



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

December 8, 2022

Via ECF

Hon. Gary L. Sharpe
James T. Foley U.S. Courthouse
445 Broadway, Room 112
Albany, NY 12207-2936

Re: *Variscite NY One, Inc. v. State of New York et al.*
Northern District of New York
1:22-cv-1013 (GTS/DJS)

Dear Judge Sharpe:

I am writing to advise the Court that on December 8, 2022, Defendants filed a Notice of Appeal from the Court's November 10, 2022 Memorandum-Decision and Order, which granted the Plaintiff's motion for a Preliminary Injunction (ECF No. 28).

The Notice of Appeal was filed to preserve Defendants' rights to pursue an appeal from the Preliminary Injunction. Consistent with the representations made by Defendants in the pending motion to modify the Preliminary Injunction (see ECF Nos. 29 through 29-4), however, in the event that the Court grants Defendants' motion, Defendants at that point would move in the Second Circuit to withdraw the appeal.

Respectfully,
By s/ Amanda Kuryluk
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(via ECF)